

1:22 MJ 4217

AFFIDAVIT

I, John Cline, hereafter “Affiant,” being first duly sworn, hereby depose and state as follows:

This affidavit is offered in support of a criminal complaint against ROBERTO ROSAROJAS (“ROSAROJAS”) for violating Title 21, United States Code, Sections 841(a)(1), (b)(1)(B) and 846 (Attempt to possess with intent to distribute more than 2 kilograms of a mixture and substance containing a detectable amount of cocaine hydrochloride.

1. I am a Task Force Officer (TFO) with Homeland Security Investigations (“HSI”) and have been so employed since 2020. I am presently assigned to the Cleveland, Ohio office, where I investigate narcotics trafficking and money laundering activities. I have received training in the detection and investigation of drug trafficking. I have worked narcotics trafficking and money laundering (Narcotics) investigations since 2007, during which time I have been involved in hundreds of narcotics investigations leading to prosecution in U.S. District Courts, as well as state courts. As a Detective With Cleveland Department of Police, and a TFO with homeland Security Investigations, I have also conducted online investigations, executed controlled deliveries of controlled substances, interviewed witnesses, drafted and executed search warrants, seized illegal drugs and other evidence of drug violations in physical and electronic sources, processed seized evidence, he has received training and experience in the investigation of felony and misdemeanor crimes, and has conducted several hundred drug investigations, participated in hundreds of search warrants, made several hundred narcotic related arrests, He has received training from the Cleveland Police Department Academy, along with specialized training from HIDTA and NCTC including narcotic enforcement, cell phone forensics/computer forensics, Informant management, interviews, interrogations, vehicle interdiction, criminal street gangs, trends in methamphetamine trafficking, rolling clandestine labs and

methamphetamine precursor identification, and is a certified computer forensic examiner.

2. I know based on training and experience that drug traffickers often transport controlled substances through the U.S. mail system or private delivery companies. I know from my training and experience that drug traffickers often use these services because they provide traceability, reliability, and timely delivery. The guaranteed delivery timeframe places time pressures on law enforcement agents to identify, search, and deliver these drug parcels in a timely manner.

3. The information in this Affidavit is based on Affiant's personal knowledge, information provided by other law enforcement officers and individuals, and the reports and memoranda of other law enforcement officers. The information in this affidavit is provided for the limited purpose of establishing probable cause related to the commission of a federal offense. The information is not a complete statement of all the facts relating to this case.

FACTS AND CIRCUMSTANCES REGARDING PROBABLE CAUSE

4. On July 1, 2022, an HSI Cleveland Task Force Officer was notified by a private third-party shipping company that they conducted an administrative search of a suspicious parcel based on several indicators of narcotics trafficking, including the return address and the cost and appearance of the package. The search resulted in the discovery of two compressed bricks hidden inside of a toolbox.

5. TFO Cline, responded to the third party shipping company and found within the suspicious parcel several shrink-wrapped bags which contained two (2) compressed bricks that were consistent with 2 kilograms of narcotics, Affiant found the package to be suspicious and exhibited multiple indicators leading Affiant to believe the package contain illegal narcotics. The two compressed bricks field tested positive for cocaine.

6. The parcel was mailed in a manner that is consistent with packages seized by

affiant and members of his unit in the past that have contained illegal narcotics. All the seams were taped, further investigation by affiant revealed that the package was mailed in a manner consistently used by drug suppliers, including but not limited to: the parcel is coming from a known source city, and state that narcotics are known for shipping narcotics.

7. The parcel was found to be heavily taped on the seams and was coming from a known narcotics source city.

8. The parcel was a cardboard box addressed to “SABINO GUZMAN” at 6507 Delora Avenue, Cleveland, OH 44144, and bearing a return name and address of “Daniel Vazquez” at 2- 146 142nd St., Seattle, WA 98166.

9. On July 1, 2022, K9 Border patrol Agent Michael Lalonde #O143, who is employed by the U.S. Customs and Boarder Protection (CBP). K9 Lucky and Agent LaLonde are a certified United States Border Patrol detection canine team. K9 Lucky is trained to detect concealed humans and the odors of marijuana and its derivatives, methamphetamines and its derivatives, cocaine and its derivatives, heroin and its derivatives and ecstasy.

10. In a controlled environment at 4781 Hinkley Industrial Parkway, Cleveland Ohio, K9 Lucky alerted to the above-described package indicating to his handler that the package contained the odors of controlled substances. The package is described as a FEDEX “medium cardboard box” bears the recipient’s name and address “SABINO GUZMAN” at 6507 Delora Avenue, Cleveland, OH 44144, and bearing a return name and address of “Daniel Vazquez” at 2- 146 142nd St., Seattle, WA 98166. Based on my training and experience, it is common for drug traffickers to use fictitious names and return addresses with sending drugs through the mail.

11. Later that day, at approximately 12:00 p.m., an undercover agent posing as a third-party shipping company parcel delivery employee delivered the parcel to its destination, 6507

Delora Avenue, Brooklyn, Ohio. Prior to the delivery, agents had removed the cocaine from the parcel and replaced it with sham substance, and then resealed the parcel. Agents had also placed an electronic device inside the parcel that would monitor the parcel's location and send a signal when it was opened. Agents also sprayed the parcel with "clue spray" which is a UV indicator liquid that when transferred to the hands can indicate who opened the package. The undercover agent knocked on the front door of 6507 Delora Avenue and left the parcel to the front porch.

12. At approximately 1:10 p.m., agents saw a tan ford taurus pull into the driveway of 6507 Delora Avenue. A male got out of the ford and walked toward the house. The male, later identified as Roberto ROSAROJAS, immediately went to the parcel, ROSAROJAS sat down on a chair located on the front porch and pulled the parcel towards his chair, ROSAROJAS then spoke to a female through the front door, seconds later ROSAROJAS opened the parcel and began pulling the toolbox out of the package. At this point, officers approached ROSAROJAS.

13. Agent and TFO's, and Cleveland Police Detectives approached 6507 Delora Avenue to arrest ROSAROJAS. Upon seeing police, ROSAROJAS immediately kicked the parcel out of the way. Cleveland Police Detective John Graves was able to positively identify ROSAROJAS as the male that exited the tan ford, sat on the front porch, and opened the parcel. ROSAROJAS' hands were letter scanned with a UV light, which showed "clue spray" that was on his package had transferred to ROSAROJAS.

14. A criminal history records check for ROSAROJAS revealed several narcotics trafficking cases:


- a. Federally convicted in Cleveland in 2003 for heroin trafficking and sentenced to 2 years with 1-year supervised release. This case was investigated by Cleveland DEA.

- b. Convicted for trafficking drugs by Cuyahoga county and served 1 year in 2004.
- c. Convicted for trafficking drugs by Cuyahoga county and served 2 years in 2005.
- d. Federally convicted in Cleveland in 2007 for trafficking cocaine and served 10 years. This case was investigated by Cleveland FBI.

15. TFO Cline interviewed occupants of 6507 Delora Avenue and learned that residence know ROSAROJAS only as “Cangri”. Residence stated that they have known him for about 2 years. They further stated that he asked if he could have packages delivered to their address so they would not be stolen from his apartment. Occupants said that he received another package around a month ago.

16. For the foregoing reasons, Affiant respectfully submits that there is probable cause to believe that ROSAROJAS violated Title 21, United States Code, Sections 841(a)(1), (b)(1)(B) and 846 (Attempt to possess with intent to distribute approximately 2 kilograms of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)).

17. The contents of the parcel were identified through field tests to be approximately 2 kilograms of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.



John Cline
Task Force Officer
Homeland Security Investigations

This affidavit was sworn to by the affiant by telephone after a PDF was transmitted by email, per Crim. R. 41(d)(3) on this 05th day of June 2022.



JONATHAN D. GREENBERG
UNITED STATES MAGISTRATE JUDGE

